

### REMARKS

Applicants respectfully requests reconsideration of the above identified application in view of the forgoing amendments and following remarks.

### Status of Claims

Claims 1, 2, 9, 10, 12, 13, 15-19 and 21-23 have been amended. Claim 14 has been cancelled. Accordingly, claims 1-13 and 15-25 are now pending in this application.

Applicants respectfully assert that the amendments to the claims add no new matter. Specifically the claims now recite a controller. Support for a controller can be found, for example, in Paragraphs 35, 52 and 53 of the specifications.

### Double Patenting

Applicants have cancelled claim 14 rendering the statutory Section 101 rejection moot.

The Examiner has rejected claims 1-13 and 15-25 on the ground of nonstatutory obvious-type double patenting. Applicants respectfully submit that the recitation of a controller in the presently amended claims renders this rejection as moot.

### Information Disclosure Statement

Applicants have resubmitted the information disclosure statement in the proper form as requested by the Examiner.

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Specification

Applicants have amended the specification to state that the application is a continuation of application 09/452,500 as requested by the Examiner.

Drawings

Applicants will submit formal drawings upon allowance of the application.

Claim Objections

Applicants respectfully submit that the present amendments overcome the Examiner's objections to claims 2, 10, 19, and 23.

Section 112 Rejections

Claim 13 has been amended to depend from claim 12 thereby providing an antecedent basis for "the processor." Accordingly, it is respectfully submitted that claim 13 now complies with the rejection under 35 USC § 112. The rejection there made is respectfully requested to be withdrawn.

Section 102 Rejections

The Examiner has rejected claims 1, 2-6, 10-16, 20, and 21-25 under Section 102(b) as being anticipated by Miller et al. (U.S. Patent No. 5,920,701). Applicants respectfully submit that the claims as currently amended overcome the rejection under 35 USC Section § 102.

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The presently amended claims recite a controller which picks up and delivers the file to a recipient: Applicants' content providers are coupled only to the controller and not to the recipients. By contrast, Miller et al. teaches having content sources transmit files to "replicated servers" directly. For example, "After receiving the above instructions, the content sources 12, 14 transmit content data at the scheduled time as shown in step 116, for distribution to the replicated servers 16, 18, 20. As the content sources 12, 14 finish transmitting the data to the replicated servers 16, 18, 20, a notification of completion is sent to the scheduler 10." (column 13, lines 1-15). This is illustrated in Miller's Fig. 1 reproduced here for convenience.

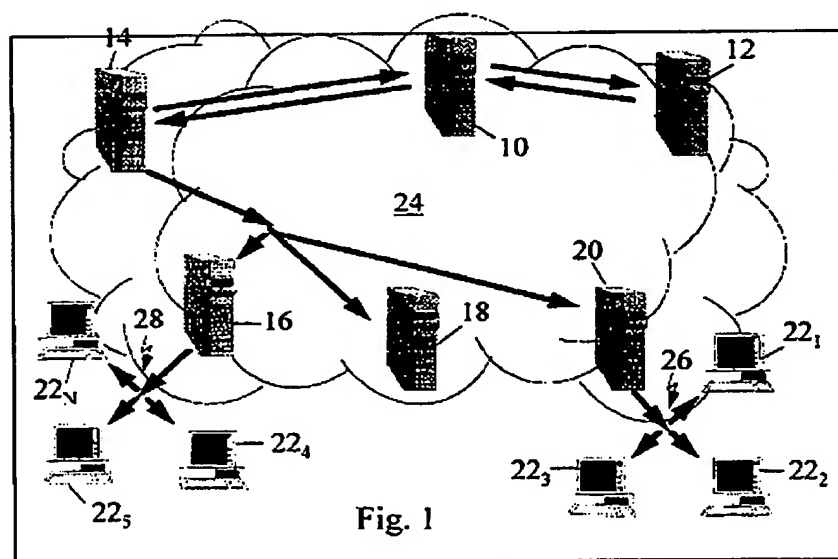


Fig. 1

Miller's Fig. 1

Thus, the Miller et al. reference does not anticipate Applicants' claimed invention, and the rejection under 35 USC § 102 is respectfully requested to be withdrawn.

Section 103 Rejections

The Examiner has rejected claims 7 and 15 under Section 103(a) as being unpatentable over Miller et al. in further view of Huna (U.S. Patent No. 6,438,217). The It is respectfully submitted that the teachings of Huna are insufficient to overcome the deficiencies of Miller with respect to the amended claims and therefore the rejection under 35 USC § 103 should be withdrawn. Such action is respectfully solicited.

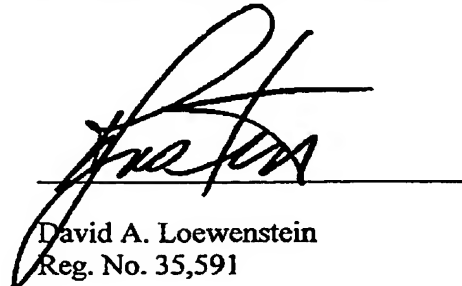
As claim 14 has been cancelled, its rejection has been rendered moot.

Conclusion

Applicants acknowledge the Examiner's citation of non-applied references.

For the foregoing reasons, Applicants submit that the Examiner's rejection the claimed inventions have been overcome and the claims should be allowed. Such action is respectfully solicited.

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